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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,155	02/13/2006	Jan Forster	CBZ-1370A	2833
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EXAMINER CHAPMAN, JEANETTE E				
ART UNIT 3633		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,155

Applicant(s)

FORSTER, JAN

Examiner

Jeanette E. Chapman

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buie in view of Bruchle et al claim 22.

Bruchle et al discloses a building construction for protection from radiation, said construction comprising at least one building components having a layered sandwich configuration wherein at least one layer of gypsum antiradiation material but not between opposite layers of concrete. Bui discloses a building component having a gypsum layer 112 between layers of concrete.

claim 23.

Bruchle et al discloses the building construction of claim 22, wherein said gypsum antiradiation material comprises water bound thereto. See abstract.

claim 24.

Bruchle et al discloses the building construction of claim 23, wherein said gypsum antiradiation material comprises natural, unfired calcium sulfate dihydrate.

See claim 2

claim 25

Bui discloses the building construction of claim 22,

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wherein said gypsum material 112 comprises panels deposited in a space between said concrete layers.114. Bruchle discloses more than one gypsum layer 12 and 14

claim 26

Bui discloses the building construction of claim 25,

wherein said gypsum panel are free-standing in said space.

claim 27

Bui discloses the building construction of claim 25,

wherein said gypsum panel are permanently set in said space.

claims 28-29.

(Currently Amended) The building construction of claim 2022,

Bruchle lacks the recited antiradiation material comprises granulated gypsum particles poured into a space between said concrete layers. The granulated gypsum of a particular size such as 40mm or smaller is viewed as an alternative to the gypsum mat that lacks criticality in the recited building construction. One of ordinary skill in the art would have appreciated using any type of gypsum that assist in fulfilling the intended used, function and purpose of the building construction.

claim 30.

Bui discloses the building construction of claim 22,

wherein said gypsum anti-radiation material is compressed into a space between said concrete layers.

claim 31.

Bruchle et al discloses the building construction of claim 22,

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further comprising at least one additive selected from the group of gibbsite, hydralite, aluminum hydrate, and magnesium added to said gypsum antiradiation material. See paragraph

0014

claim 32.

Bui discloses the building construction of claim 22,

further comprising at least one construction component comprising an gypsum(not antiradiation material) poured and compressed between a pit sheet wall and a concrete layer 114.

Claims 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buie in view of Bruchle et al and further in view of O'neal(2589021)

claim 33-34.

Bui lacks the concrete layer of a double wall construction . O'Neal discloses a building construction of claim 22, wherein at least one of said concrete layers comprises a double-wall structure,. wherein said double-wall structure is filled (thou not entirely) with poured concrete,6.

claim 35.

Bruchle et al The building construction of claim ,34,

wherein said poured concrete or gypsum further comprises an antiradiation additive. See paragraph 0051

claim 36.

Buie and Bruchle et al modified by O'Neal renders each of said concrete layers comprise a double-wall structure, said gypsum antiradiation material disposed between said double-wall structures.

claim 37.

(Currently Amended) The building construction of claim 36, wherein each of said double-wall structures comprises wall segments connected together with tie rods extending between said wall segments.

claim 38.

O'neal discloses said double-wall structures comprises prefabricated concrete panels 6 and 3 and 10 connected together with lattice girders 2.

claim 39

The building construction of claim 38, wherein said lattice girders are formed of metal which includes steel but are formed of a corrosion resistant steel. One of ordinary skill in the art would have appreciated that a corrosion resistant steel material is well known in the art and is used for obvious reasons. One of ordinary skill in the art would have appreciated using the recited type of steel for use in damp environments.

claim 40.

Bui discloses his panel is used for a multiplicity of building parts such as floors and foundations. Hence also considering Bruchle et al, it would have been obvious to further include a layer of anti-radiation material beneath said building construction that has sufficient structural integrity for supporting said building construction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E. Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JEANETTE CHAPMAN/
PRIMARY EXAMINER
ART UNIT 3633
